II. REMARKS

This paper is submitted in reply to the Notice of Non-Compliant Amendment issued regarding the reply filed on June 8, 2004 by Applicant in connection with the above-identified application. The Office did not enter the amendment and reply on the ground that the amendment did not follow the requirements of amended 37 C.F.R. § 1.121. The Office advised that submission of the non-compliant section of the reply will obviate the grounds for the Notice and accordingly, the amendment will be entered and considered by the Office. In view of the above listing of the claims, reconsideration and entry of the amendment and reply filed on June 8, 2004 by the Applicant is respectfully requested.

Examiner is invited to telephone the undersigned at the number provided below. In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2518 referencing billing number 2023915-7004204001. However, the Commission is not authorized to charge the cost of the issue fee to the Deposit Account.

DATE: September 1, 2004

Respectfully submitted,

By:

Antoinette F. Konski Registration No.: 34,202

Bingham McCutchen, LLP Formerly McCutchen, Doyle, Brown & Enersen, LLP Three Embarcadero Center, Suite 1800

San Francisco, California 94111

Telephone: (650) 849-4950 Telefax: (650) 849-4800

Page 5

Serial No.: 10/596,221 Docket No.: AT 2021.20